

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

Minutes
4 June 2004
463rd Regular Meeting
Central Valley Regional Water
Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

FRIDAY 4 JUNE 2004

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Robert Fong, Beverly Alves, Lucille Palmer-Byrd, Cher Kablanow, Christopher Cabaldon, Members.

STAFF PRESENT

Tom Pinkos, Ken Landau, Jack Del Conte, Frances McChesney, Catherine George, Dave Carlson, Dennis Westcot, Rudy Schnagl, Wendy Wyels, Anne Olson, Guy Childs, Camilla Williams and Janice Tanaka.

OTHERS PRESENT

Kevin Abernathy, Borba Dairy
David Inman, CA Dairy Campaign
Roberta Larsen, City of Roseville
Bill Jennings, DeltaKeeper
Art O'Brien, City of Roseville
Bill Thomas, SJ Ag Coalition
Richard Doty, Erskine Creek
David Cory, Exchange Contractors
Jim Durfee, Placer County
Jeff Palsgaard, Merced County
Raul Anaya, SMUD
Jon Benjamin, EOP
Elizabeth Mergener, EOP
Ted Huff, SMUD
Arthur Godwin, City of Marysville
Rebecca Walker, SRCSD

John Buttz, City of Sacramento
Joe Nonnwiler, SRCSD
Michael H. Clement, MHC Corp
Delores Borba, Borba Dairy
David Balgobin, City of Marysville
Vilay Lee, SRCSD
Stephen Caswell, Carollo Engineers
Catherine Hernandez, SRCSD
Joe Correia, Jose Correia Dairy
Alyce Machado Luis, Circle JM Dairy
Tony Borba, Borba Dairy
Richard Bowles, Western Waterways
Robert Lilly, Holland Marine
D. Larry Petite, Petite & Assoc.
Don Christensen, Weimer Institute

BOARD MEMBER COMMUNICATION

Karl Longley attended a 28 May meeting with the Wine Institute, Executive Officer and Regional Board staff regarding the Institute's report on waste disposal. The report will be reviewed by Regional Board staff and then by a panel of experts organized by the State Board. This could eventually become the basis for WDRs or a Basin Plan policy.

Chairman Schneider reported:

- Attendance at a meeting of the Pacific Forest and Watershed Lands Stewardship Council
- Discussion of a possible tour of the Port of Stockton
- Discussion of monitoring issues with Lynwood Hall, a consultant for agriculture
- Attendance at an Ag Subcommittee meeting with Al Brizard to plan a 28 June meeting with Ag Coalitions, Ag Commissioners, and SWRCB staff to prepare for the joint July Board meeting. A Technical Advisory Committee headed by Karl Longley was formed to provide technical assistance on Ag Waiver issues.

- Attendance at a meeting at CalEPA that included Chuck Ahlem of the Department of Food and Agriculture regarding the CAFO NPDES Permit being developed and possible conflicts with new Air District regulations on dairies. A stakeholder meeting to discuss the issue should be considered.

Christopher Cabaldon reported attending the CalFED Bay Delta Policy Advisory Committee meeting at which coordination of the mercury strategy was discussed, and a Delta Protection Commission meeting at which collaborative efforts on drinking water quality and pollutant source control were discussed. Mr. Cabaldon suggested consideration of the net benefit derived from attendance at multiple meetings and participation in collaborative efforts.

EXECUTIVE OFFICERS REPORT

The Executive Officer reported that:

- The July 2004 Board meeting would begin on Thursday, 8 July, with a joint informational item with the State Board at the CalEPA building on the ag waiver, anticipated to take all morning. Thursday afternoon would have a hearing on the dissolved oxygen TMDL and a workshop on the San Joaquin River Salt/Boron TMDL. On Friday, the Board meeting would continue in Rancho Cordova.
- There has been a serious levee break on Lower Jones Track in the Delta, with extensive island flooding in progress. The OES Center has been activated. SWRCB staff is present at the OES Center, and Regional Board staff is providing technical support. An OES status report on the levee break was provided to the Board members.
- On 27 May, he had participated with SWRCB management on an ag waiver tour of the Sacramento Valley
- Concerns regarding groundwater separation in the draft SWRCB Septic Tank Regulations (EO Item 23) exist but were overstated. Mr. Brizard commented that there are growing concerns in foothill communities about septic tank problems.
- There are major public concerns regarding detection of NDMA north of the American River from past Aerojet operations.
- This agenda provides reports on the 401 Water Quality Certification and the Grants Programs. These are the first of regularly scheduled program summary reports to be included in the Executive Officer's Report to update the Board and public on all of the Board's major programs.
- Fresno staff is working on enforcement actions regarding Musco Olive, likely to be ready for Board consideration in September.

Kenneth Landau provided a status report on issuance of Mandatory Minimum Penalties (MMPs). NPDES staff has been diverted from permits and approximately 14 MMPs are in progress, which will address over half of the backlog of MMP violations. An MMP workplan is being developed. The Chairman requested that the State Board be informed of our progress.

Al Brizard asked (Item No. 5) if the Phase 2 Ag Waiver contracts had been received. Mr. Pinkos reported that the contracts have been completed.

Christopher Cabaldon (Item No. 11) asked if Region 5 staff were coordinating with and in agreement with Region 2 staff on the Region 2 mercury TMDL. Kenneth Landau explained that the two staffs were closely coordinating on mercury issues. We felt that Region 5 could comply with the allocation proposed in the Region 2 TMDL. The Executive Officer reported that he had a meeting scheduled with Sacramento Regional Sanitation District to discuss mercury issues.

Beverly Alves (Item No. 2) asked for further information on Grants, which was provided by Jeanne Chilcott.

PUBLIC FORUM

Jeff Palsgaard, Merced County, made a presentation on the Merced County dairy program.

Jim Durfee, Placer County Special Districts, provided an update on efforts to provide a regionalized wastewater collection and treatment system for Placer County. A \$4.8 million USEPA contract has been received for planning work. The County is working with Board staff toward a formal report to the Board.

David Cory, Exchange Contractors, reported:

- The San Joaquin River Water Quality Management Group, including DWR, BOR, East and West Side agricultural interests, and several municipalities, is working on a plan for salinity control. A Memorandum of Understanding for internal coordination of the group has been prepared. Regional Board staff has been invited to the next meeting of the Group. A formal presentation of the effort will be presented to the Board in the future.
- The Westside Coalition is disappointed in the EO Report statement that no Coalition report met minimum standards. He believed the Coalitions had done well in preparing the reports and addressing staff concerns. Coalition staff is being trained in proper sampling procedures. He is hoping for Executive Officer approval of the monitoring program by 1 July, but will initiate sampling on 1 July even without approval.
- The agriculture community is very disappointed with recent revisions to the Dissolved Oxygen TMDL. The changes set up the upstream dischargers as the ultimate backstop if other efforts to improve DO conditions fail. This makes no sense just because the Board can control these discharges. The DO TMDL is distracting from salinity and ag waiver issues.

Richard Dodee represents a small WWTP near Lake Isabelle. The facility had been designed 3B, but is now a 2B with a much higher fee. Fresno staff has reviewed the change in rating and believe it is correct, referring him to the Board for any further consideration. Increased costs cannot be passed on to senior citizen customers; it is only a 27,000 gpd facility with 87 residential units and limited commercial activity. The Chair requested that staff send a letter to Mr. Dodee regarding the fees and prepare an EO Report on the issue. Christopher Cabaldon stated that he hoped staff had not actually referred Mr. Dodee to the Board since the Board cannot effectively deal with such matters.

Bill Thomas, San Joaquin Ag Coalition, reported that:

- Most Coalitions are unhappy with the EO "Report Card." Everyone is working diligently. Coalition meetings are going smoothly.
- There is substantial progress on monitoring program development, with sampling expected to start in July.
- Phase 2, SWAMP, and Ag Coalition monitoring location coordination is needed. [Mr. Longley explained that the technical advisory committee being formed hopes to optimize monitoring activities.]

UNCONTESTED CALENDAR

ENFORCEMENT

1. **City of Marysville, Wastewater Treatment and Reclamation Facility, Yuba County – *Consideration of a Cease and Desist Order***

A public hearing was held. No one appeared to contest the proposed order.

R5-2004-0072

MOTION

By Mr. Longley, seconded by Mr. Brizard to adopt the proposed order. Unanimously approved by roll call vote.

NPDES PERMITS

2. **Uncontested NPDES Permits**

- | | | |
|--------------|----|---|
| R5-2004-0073 | a. | City of Chico, Chico Water Pollution Control Plant, Butte County |
| R5-2004-0074 | c. | Bell-Carter Olive Company, Inc. and City of Corning, Industrial Wastewater Treatment Plant, Tehama County |

R5-2004-0075 d. Sacramento Cogeneration Authority Project, Sacramento Cogeneration Authority, Sacramento County

A public hearing was held. No one appeared to contest the proposed orders.

MOTION

By Mr. Longley, seconded by Mr. Cabaldon to adopt the proposed orders. Unanimously approved.

WASTE DISCHARGE REQUIREMENTS

3. Uncontested Change of Name and/or Ownership

- a. Camper's Inn RV Park and Golf Resort, Camper's Inn WWTF, Yolo County, Order No. 91-193
- b. Eastside Winery, San Joaquin County, Waste Discharge Requirements Order No. 5-01-172
- c. Stonegate Village STP, Sutter County, Order No. R5-2003-0177

A public hearing was held. No one appeared to contest the proposed orders.

R5-2004-0076

MOTION

By Mr. Longley, seconded by Ms. Kablanow to adopt the proposed orders. Unanimously approved.

4. Uncontested Rescissions

- a. Standard Oil Company of California, Section 5 Lease, Poso Creek Oil Field, Kern County,
- b. Coastal Petroleum Refiners, Inc., Paloma Refinery, Kern County
- c. Defense Distribution Region West, Sharpe, Wastewater Treatment Plant and Storm Water Discharges, San Joaquin County,
- d. William Shubin, Shubin Farms, San Joaquin Grease Disposal Site, Fresno County
- e. Prestar Corporation, Prestar Skydiving Facility WWTP, Yolo County
- f. K&D Salvage Company, Solid Waste Landfill, Kern County
- g. Donald A. Rogers, dba Success Petroleum Company, Smith-Rhoads Lease, Deer Creek Oil Field, Tulare County
- h. Donald A. Rogers, dba Success Petroleum Company, TBID Lease, Deer Creek Oil Field, Tulare County
- i. H. Ronald Voelker, dba Keystone Oil Company, H. Ronald Voelker, dba Keystone Oil Company, Community Lease, Deer Creek Oil Field, Tulare County
- j. William H. Colvin, dba Deer Creek Oil Company, National Development-Merzoian Lease, Deer Creek Oil Field, Tulare County

A public hearing was held. No one appeared to contest the proposed orders.

R5-2004-0077

MOTION

By Mr. Longley, seconded by Mrs. Alves to adopt the proposed orders. Unanimously approved.

5. Uncontested Waste Discharge Requirements

- 0078** a. Linne Estates, LLC, Linne Estates Wastewater Treatment System, San Joaquin County
- 0079** b. Spenker Ranch, Inc., Jessie's Grove Winery, San Joaquin County
- 0080** c. ExxonMobil Production Company, Hill Lease, South Belridge Oil Field, Kern County
- 0081** d. City of Merced, Merced Municipal Airport, Enhanced Bioremediation Project, Merced County
- 0082** e. Equity Office Management, L.L.C. and M&H Property Management, Arden Square Shopping Center, Potassium Permanganate Injection And Recirculation System, Sacramento County

- 0083 f. Defense Distribution Depot San Joaquin, Sharpe Wastewater Treatment Facility, San Joaquin County
- 0084 g. Robert and Sharon Hilarides, dba Sierra Cattle Company, for Closure and Post-Closure Operation and Maintenance, West Ponds Site, Tulare County
- 0085 h. Maharishi Global Administration Through Natural Law, Maharishi Vedic School Wastewater Treatment Facility, Lake County
- 0086 i. City of Auburn, Auburn Placer Disposal Service, Auburn Landfill, Class III Landfill, Post-Closure Maintenance and Corrective Action, Placer County

A public hearing was held. No one appeared to contest the proposed orders.

MOTION By Mrs. Palmer-Byrd, seconded by Mr. Cabaldon to adopt the proposed orders. Unanimously approved.

CONTESTED CALENDAR

ENFORCEMENT

6. Western Waterways, Inc., Holland Riverside Marina, Contra Costa County – Consideration of an Administrative Civil Liability Order

A public hearing was held. Wendy Wyels and Anne Olson presented the staff report. Additional testimony was given by Richard Bowles and Bob Lilly.

R5-2004--0063 MOTION By Mr. Longley, seconded by Mr. Cabaldon to adopt the proposed order with amendment of the liability amount from \$40,000 to \$60,000. Approved with Ms. Kablanow abstaining.

7. Weimar Institute, Inc., Wastewater Treatment Plant, Placer County – *Consideration of an Administrative Civil Liability Order*

A public hearing was held. Wendy Wyels and Guy Childs presented the staff report. Additional testimony was given by Larry Petite and Don Christensen.

R5-2003-0064 MOTION By Mr. Longley, seconded by Mr. Cabaldon to adopt the proposed order. Unanimously approved.

NPDES PERMITS

8. General Electric Company and Well Made Products Company, Groundwater Cleanup System, Merced County - *Consideration of NPDES Permit Renewal*

A public hearing was held. No one appeared to contest the proposed order.

R5-2003-0065 MOTION By Mr. Longley, seconded by Mr. Brizard to adopt the proposed order. Unanimously approved.

9. Collins & Aikman Products Company, Inc., Former Wickes Forest Industries Site, Groundwater Remediation System, Solano County – *Consideration of a NPDES Permit Renewal*

A public hearing was held. No one appeared to contest the proposed order.

R5-2003-0066

MOTION

By Mr. Longley, seconded by Mrs. Alves to adopt the proposed order. Unanimously approved.

10. Sacramento Regional County Sanitation District, Lower Northwest Interceptor Construction Project, Sacramento and Yolo Counties – *Consideration of a New NPDES Permit*

Board Member Christopher Cabaldon recused himself from this item and was not present. A public hearing was held. No one appeared to contest the proposed order.

R5-2003-0067

MOTION

By Mrs. Palmer-Byrd, seconded by Mr. Longley to adopt the proposed order. Unanimously approved.

WATER RECYCLING

11. City of Roseville Master Reclamation Permit, Placer County – *Consideration of an Amendment*

A public hearing was held. Kenneth Landau presented the staff report. Additional testimony was given by Art O'Brien, Bill Jennings, and Roberta Larsen.

R5-2003-0067

MOTION

By Ms. Kablanow, seconded by Mr. Cabaldon to adopt the proposed order. Unanimously approved.

ENFORCEMENT

12. Non-Submittal of the Annual Report Required Under Waste Discharge Requirements, San Joaquin County - *Consideration of an Administrative Civil Liability Orders*

- a. Tony Borba Dairy, Inc., Delores Borba and Tony Borba, Jr.**
- b. Jose and Alexandrina Correia Community Property Trust Dairy and Jose H. Correia**
- c. Circle JM Dairy and Alyce Machado Luis**

A public hearing was held. Rudy Schnagl and Camilla Williams presented the staff report. Additional testimony was given by Tony Borba, Kevin Abernathy, Jose Correia, and Alyce Machado Luis.

R5-2003-0069

MOTION

By Mr. Fong, seconded by Mr. Brizard to adopt the proposed order with amendment of the liability amount from \$3,000 to \$1,500. Approved

R5-2003-0070

MOTION

By Mr. Fong, seconded by Mrs. Palmer-Byrd to adopt the proposed order with amendment of the liability amount from \$3,000 to \$1,500. Approved.

R5-2003-0071

MOTION

By Mr. Fong, seconded by Mrs. Alves to adopt the proposed order with amendment of the liability amount from \$3,000 to \$1,500. Approved.

The Board met in closed session to discuss ongoing litigation.

The meeting was adjourned at 4:30 p.m. to the July 8/9 2004 regular meeting.